

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DEREK M. JOHNS,

Petitioner,

v.

MARK CAPOZZA; THE DISTRICT
ATTORNEY OF THE COUNTY OF
BUCKS; THE ATTORNEY GENERAL
OF THE STATE OF PENNSYLVANIA,

Respondents.

:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO. 20-1055

ORDER

AND NOW, this 12th day of November, 2021, after considering the petition under 28 U.S.C. § 2254 for a writ of habeas corpus filed by the petitioner, Derek M. Johns (Doc. No. 1), the response in opposition to the petition filed by the respondents (Doc. No. 7), the petitioner's reply/clarification to respondent's answer in opposition to the petition and motion to amend (Doc. No. 13), United States Magistrate Judge Marilyn Heffley's report and recommendation (Doc. No. 15), and the petitioner's objections to the report and recommendation (Doc. No. 18); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The clerk of court is **DIRECTED** to **REMOVE** this action from civil suspense and **RETURN** it to the court's active docket;
2. The petitioner's objections to the report and recommendation (Doc. No. 18) are **OVERRULED**;
3. The Honorable Marilyn Heffley's report and recommendation (Doc. No. 15) is **APPROVED** and **ADOPTED**;
4. The petitioner's petition for a writ of habeas corpus (Doc. No. 1) is **DENIED**;

5. The petitioner has not made a substantial showing of the denial of a constitutional right and is therefore not entitled to a certificate of appealability, 28 U.S.C. § 2253(c)(2); and

6. The clerk of court shall mark this case as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.